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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,457	04/09/2001	David Bordeleau	10442-17US JA/IC	6909
20988	7590	04/07/2005	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			CHUNG, DANIEL J	
			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 04/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,457

Applicant(s)

BORDELEAU ET AL.

Examiner

Daniel J Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-12 are presented for examination. This office action is in response to the Appeal Brief filed on 11-24-2004.

In view of the Appeal Brief filed on 11-24-2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,5-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukamoto et al. (6,570,569)

Regarding claim 1, Tsukamoto et al discloses that the claimed feature of a method for generating a sequence of object definition data sets for a video particle explosion effect comprising: providing a graphics image data file [i.e. "the polygon data group of the object", which specified by "the video block"; 11 See col 8 line 4-5, col 6 line 18-44, col 7 line 62-col 8 line 12] of a particle pattern defining a shape [i.e. "the shape of the display element" See col 2 line 34-36, col 7 line 51-54, col 7 line 39-40, col 16 line 64-65] of a plurality of particles [i.e. "display element"; 1-29 shown in Fig 6(b)]; generating a sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] using graphics image data file; wherein object definition data sets can be used to render a particle explosion effect [i.e. "collapsing motion"] on a video file. (See Fig 8-14)

Regarding claim 5, Tsukamoto et al disclose that particle pattern is a shattered glass pattern. (See Fig 6(b))

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Regarding claim 6, Tsukamoto et al discloses that a step of drawing graphics image data file. [i.e. "dashed lines the display elements structuring object"; See col 7 line 39-40, Fig 6(b), "outline of each display element"; See col 14 line 59-60]

Regarding claim 7, Tsukamoto et al discloses that defining an edge [i.e. "dashed line", "outline"] for plurality of particles [i.e. display element"] (See col 7 line 39-40, col 14 line 59-60, Fig 6(b)) and filling up each of plurality of particles with a different color [i.e. "bitmap data" See col 9 line 50-52].

Regarding claim 9, Tsukamoto et al discloses that identifying a plurality of triangles [i.e. "polygon"] for each particle ["display element"] (See col 7 line 44-54) and storing shape information ["the shape of the display element"] from each triangle in object definition data sets. [i.e. "the polygon position data and polygon direction data of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50]

Regarding claim 10, Tsukamoto et al discloses that identifying a plurality of triangles ["polygon"] for each particle and storing parameter information from each triangle in object definition data sets [i.e. "the polygon position data and polygon direction data of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50], parameter information being extracted from each channel. (See col 8 line 4-7)

Regarding claim 11, Tsukamoto et al discloses that the claimed feature of a method for rendering a video particle explosion effect on a video source data file comprising: providing a graphics image data file [i.e. "the polygon data group of the object", which specified by "the video block"; 11 See col 8 line 4-5, col 6 line 18-44, col 7 line 62-col 8 line 12] of a particle pattern [i.e. "display element"; 1-29 shown in Fig 6(b)]; defining a shape [i.e. "the shape of the display element" See col 2 line 34-36, col 7 line 51-54, col 7 line 39-40, col 16 line 64-65] of a plurality of particles; generating a sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] using graphics image data file [i.e. "image data read from the CD-Rom"] (See Fig 2, col 6 line 18-31); providing a video source data file; rendering video particle explosion effect [i.e. "collapsing motion"] using object definition data sets and video source data file. (See Fig 8-14)

Regarding claim 12, Tsukamoto et al discloses that loading each field of video source data file [i.e. "image data read from the CD-Rom"] into a graphics engine [i.e. VDP; 110 in "video block" 11] (See Fig 2, col 6 line 18-31); loading a corresponding one of sequence of object definition data sets [i.e. "the polygon position data and polygon direction data" of the display element per frame displaying period", "the renewal of frame image data" See col 8 line 19-21, col 8 line 29-30, col 9 line 48-50] into graphics engine;

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generating a particle exploded ["collapsing"] video output [i.e. "video signal output" See Fig 2, col 5 line 35-36, col 6 line 40-44] using field and corresponding object definition data sets. (See Fig 8-14)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al (6,570,569) in view of Ito (6,690,810).

Regarding claims 2-3, Tsukamoto et al does not specifically disclose that graphics image data file has a plurality of channels, which are a red channel, a green channel, a blue channel and an alpha channel. However, such limitation is shown in the teaching of Ito. [i.e. image file with RGB α channels] (See "the image separating portion" 14, "channel" 22 in Fig 1, col 12 line 43-55, col 12 line 63-30) It would have been obvious to one skilled in the art to incorporate the teaching of Ito into the teaching of Tsukamoto et al, in order to represent image data with effective manner, as such improvement is also advantageously desirable in the teaching of Tsukamoto et al for

drawing proper display attribute of each display element of the polygon data group of the object with optimized manner.

Allowable Subject Matter

Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowable subject matter: The present invention is directed to a real-time 3D video effect. Each independent claim identifies the uniquely distinct features "graphics image data file defines at least one parameter of an explosion sequence for all of plurality of particles, a spin parameter for each of plurality of particles and a softness of edges of each plurality of particles and wherein shape, explosion sequence, spin parameter and softness are each defined in one of plurality of channels." The closest prior art, Tsukamoto et al (US 6,570,569) discloses a similar system, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
March 17, 2005


JEFFERY BRIER
PRIMARY EXAMINER

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